

U.S. Serial No. 10/582,240

Filed: August 4, 2008

*HEARING PROSTHESIS SYSTEM HAVING*

*INTERCHANGEABLE HOUSINGS*

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## **AMENDMENTS TO THE DRAWINGS**

Please replace the drawing sheets bearing Figures 1-2 with the attached Replacement drawing sheet also bearing Figures 1-2 in Appendix 1 of this paper.

## **REMARKS**

1. In response to the Office Action mailed March 14, 2011, Applicants respectfully request reconsideration. Claims 1-8, 10-12, 14, 22-24, 27-31, 33, 37-42, 45-52, 55, 56, 59, 61 and 64-67 were last presented for examination. In the outstanding Office Action, claims 1-8, 10-12, 14, 22-24, 27-31, 33, 37-42, 45-52, 55, 56, 59, 61 and 64-67 were rejected. Applicants have amended claims 1, 3-5, 8, 10, 12, 27, 33, 37, 39, 40, 46, 47, 51, 65 and 66; cancelled claims 2, 6, 7, 14, 23, 24, 28-31, 41, 42, 45, 48-50, 52, 55, 56, 59, 61 and 67; and added claims 68-89. Upon entry of this paper, claims 1, 3-5, 8, 10-12, 22, 27, 33, 37-40, 46, 47, 51, 64-66 and 68-89 will be pending in this application. Of these forty-three (43) claims, five (5) claims (claims 1, 39, 51, 65 and 66) are independent.
2. Based upon the above Amendments and following Remarks, Applicants respectfully request that all outstanding objections and rejections be reconsidered and withdrawn.

### ***Drawings***

3. Applicant submits herewith, in Appendix 1, a replacement drawing sheet bearing Figures 1-2 to replace the replacement drawing sheet filed January 14, 2011, also bearing Figures 1-2. In the attached replacement sheet, Applicants have corrected FIG. 2 to include the reference symbol “20” used in the paragraph beginning at page 6, line 7 of Applicants’ specification.

### ***Claim Rejections under §103***

4. Claims 1-8, 10-12, 14, 22-24, 27-31, 33, 37-42, 45-52, 55, 56, 59, 61 and 64-67 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Patent No. 5,824,022 to Zilberman et al. (hereinafter, “Zilberman”). Applicants respectfully request that these rejections be reconsidered and withdrawn for at least the following reasons.

5. Zilberman discloses “a cochlear stimulation system that includes: (1) a multichannel implantable cochlear stimulator (ICS); (2) a behind-the-ear (BTE) wearable speech processor, including: . . . an FM receiver; [and] (3) a remote control unit (RCU), including:

an FM transmitter.” (*See*, Zilberman, col. 2, lns. 23-29.) Zilberman discloses that “the BTE processor 30 includes a case 32 formed and shaped to fit behind the ear of a user,” and states that “[m]any, if not all, of the electronic circuits used by the processor 30 are housed within the case 32.” (*See*, Zilberman, col. 5, lns. 14-18.) Additionally, “a headpiece assembly 34, which is affixed to the case 32,” may house some of the electronics of BTE processor 30. (*See*, Zilberman, col. 5, lns. 18-21.) As noted above, the system also includes “a remote control unit (RCU) 50 that may be used to control the BTE speech processor 30.” (*See*, Zilberman, col. 5, lns. 38-39.)

### **Claim 1**

6. Applicants submit that Zilberman fails to disclose “a first housing containing a primary signal processor” and “a plurality of second housings, each configured to removably connect to the first housing, wherein each of said second housings has a different mechanism configured to allow user control of one or more features of the operation of the primary signal processor,” as recited in Applicants’ claim 1. (*See*, Applicants’ claim 1, above.) Rather, as noted above, Zilberman discloses “a headpiece assembly 34, which is affixed to the case 32.” (*See*, Zilberman, col. 5, lns. 20-21.) In the Office Action, the Examiner asserts that having the headpiece assembly be “removably connected to the first housing 32 would be considered to be either implicit in its design or an obvious design choice.” (*See*, Office Action, pg. 2.) However, regardless of whether this assertion is true, Applicants submit that Zilberman fails to disclose or suggest multiple headpiece assemblies each configured to removably connect to the case 32 and each having “a different mechanism configured to allow user control of one or more features of the operation of the primary signal processor.” (*See*, Applicants’ claim 1, above.)

7. Additionally, in the Office Action, the Examiner asserts that “[t]o have a ‘backup’ second housing in case another second housing became inoperative is considered to be obvious in that such would yield a predictable result. Thus, to have two assemblies 34, would provide a safety feature to enable a backup if one of them failed.” (*See*, Office

Action, pg. 3.) However, Applicants submit that such a backup assembly would have the same components as the original assembly 34, and as such the original and backup assemblies 34 would not each have “a different mechanism configured to allow user control of one or more features of the operation of the primary signal processor,” as recited in Applicants’ claim 1. Accordingly, regardless of whether it would have been obvious to provide a “backup” assembly, Applicants submit that the original and backup assemblies 34 proposed by the Examiner would not be equivalent to the “plurality of second housings” recited in Applicants’ claim 1. (*See*, Applicants’ claim 1, above.)

8. For at least the reasons discussed above, Applicants submit that Zilberman fails to disclose or render obvious all features of Applicants’ claim 1. Accordingly, Applicants respectfully request that the rejection of claim 1 be reconsidered and withdrawn.

**Claim 39**

9. Applicants submit that Zilberman fails to disclose or render obvious “a first housing . . . configured to removably connect to each of a plurality of second housings each having a different mechanism configured to allow user control of one or more features of the operation of the primary signal processor,” as recited in Applicants’ claim 39. (*See*, Applicants’ claim 39, above.) Rather, Zilberman discloses “a headpiece assembly 34, which is affixed to the case 32.” (*See*, Zilberman, col. 5, lns. 20-21.) As noted above, the Examiner asserts that having the headpiece assembly be “removably connected to the first housing 32 would be considered to be either implicit in its design or an obvious design choice.” (*See*, Office Action, pg. 2.) However, regardless of whether this assertion is true, Applicants submit that Zilberman fails to disclose or suggest that case 32 is configured to connect to any assembly other than assembly 34, much less “to each of a plurality of second housings each having a different mechanism configured to allow user control of one or more features of the operation of the primary signal processor,” as recited in Applicants’ claim 39. (*See*, Applicants’ claim 39, above.)

10. Additionally, as noted above, the Examiner asserts that it would have been obvious to provide a “backup” assembly to replace assembly 34 in case of failure. (*See*, Office Action, pg. 3.) However, regardless of whether it would have been obvious to provide a “backup” assembly, Applicants submit that the Examiner’s proposed modification of Zilberman does not contain all of the features of Applicants’ claim 39. (*See*, Applicants’ claim 39, above.) In particular, Applicants submit that the proposed backup assembly would be the same as assembly 34. As such, Zilberman’s case 32, as modified, would be configured to connect to two of the same assembly, and not to “each of a plurality of second housings each having a different mechanism configured to allow user control of one or more features of the operation of” a component contained in Zilberman’s case 32. More specifically, Applicants submit that Zilberman’s case 32, as modified, does not have or render obvious a configuration in which a component contained in case 32 may be controlled using each of a plurality of different mechanisms.

11. For at least the reasons discussed above, Applicants submit that Zilberman fails to disclose or render obvious all features of Applicants’ claim 39. Accordingly, Applicants respectfully request that the rejection of claim 39 be reconsidered and withdrawn.

**Claim 51**

12. Claim 51 recites “a first housing . . . configured to removably connect to each of a plurality of second housings each having a different mechanism configured to allow user control of one or more features of the operation of the primary signal processor.” (*See*, Applicants’ claim 51, above.) At least for reasons similar to those discussed above in relation to claim 39, Applicants submit that Zilberman fails to disclose or render obvious the above-quoted features recited in Applicants’ claim 51. As such, Applicants respectfully request that the rejection of claim 51 be reconsidered and withdrawn.

**Claim 65**

13. Claim 65 recites “a first component configured to be worn behind an ear of a recipient . . . and configured to removably connect to any one of a plurality of second components each having a different mechanism configured to allow user control of one or more operations of the signal processor.” (*See*, Applicants’ claim 65, above.) At least for reasons similar to those discussed above in relation to claim 39, Applicants submit that Zilberman fails to disclose or render obvious the above-quoted features recited in Applicants’ claim 65. As such, Applicants respectfully request that the rejection of claim 65 be reconsidered and withdrawn.

**Claim 66**

14. Claim 66 recites “a first component including a signal processor configured to perform signal processing functions” and “a plurality of second components, each configured to removably connect to the first component, wherein each of the second components has a different mechanism configured to allow user control of one or more features of the operation of the signal processor.” (*See*, Applicants’ claim 66, above.) At least for reasons similar to those discussed above in relation to claim 1, Applicants submit that Zilberman fails to disclose or render obvious the above-quoted features recited in Applicants’ claim 66. As such, Applicants respectfully request that the rejection of claim 66 be reconsidered and withdrawn.

***Claim Amendments in Prior Response***

15. In Applicants’ response submitted January 14, 2011 (hereinafter, the “January 2011 Response”), Applicant’s claim 10 was erroneously preceded by the status “Currently Amended”. Applicants would like to clarify the record by noting that no amendments were made to claim 10 in the January 2011 Response.

16. Additionally, in the January 2011 Response, Applicant’s claim 61 was erroneously preceded by the status “Previously Presented”. Applicants would like to clarify the record

by noting that amendments were made to claim 61 in the January 2011 Response. The amendments made were indicated via underlining and strike-through.

***Conclusion***

17. In view of the foregoing, Applicants respectfully submit that this application is in condition for allowance. A notice to this effect is respectfully requested.
18. Applicants make no admissions by not addressing any outstanding rejections or bases of rejections. Furthermore, Applicants reserve the right to pursue any cancelled claims or other subject matter disclosed in this application in a continuation or divisional application. Thus, cancellations and amendments of above claims, are not to be construed as an admission regarding the patentability of any claims.

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Respectfully submitted,

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## **APPENDIX 1**